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Message Text

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ACTION OES-09

INFO OCT-01 EUR-12 ISO-00 SOE-02 AID-05 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 DOE-15 H-01 INR-10 INT-05
L-03 NSAE-00 NSC-05 OMB-01 PM-05 ICA-11 SP-02
SS-15 STR-07 TRSE-00 ACDA-12 IO-13 NRC-05 CEQ-01
SAS-02 /151 W
----------035173 022043Z /64
R 011819Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 0771
INFO AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY THE HAGUE
AMEMBASSY THE HAGUE

C O N F I D E N T I A L BONN 14035

BRUSSELS ALSO FOR USEEC

E. O. 11652: GDS
TAGS: TECH, ENRG, EEC, IAEA
SUBJECT: PHYSICAL SECURITY AND THE NNPA

REF: STATE 189968

1. ACT. ECON COUNSELOR GAVE COPY OF "US AIDE MEMOIRE TO EC COMMISSION" TO DR. VON NEUBRUNNER OF THE FOREIGN OFFICE--DIVISION OF INTERNATIONAL COOPERATION ON RESEARCH AND PEACEFUL USES OF NUCLEAR ENERGY, DRAWING ON TALKING POINTS IN PARA 9 OF REFTEL. HE THANKED US FOR THE INFORMATION AND SAID THAT BEFORE HE COULD GIVE AN OFFICIAL REACTION, INTER-MINISTERIAL CONSULTATIONS
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WOULD BE REQUIRED, PARTICULARLY WITH THE MINISTRY OF INTERIOR WHICH IS THE RULE-MAKING BODY RESPONSIBLE FOR ENVIRONMENTAL, INCLUDING NUCLEAR, AND SECURITY MATTERS.

2. INFORMALLY DR. VON NEUBRUNNER INDICATED HE FELT BOTH THE OBJECTIVES AND THE SCOPE OF CONTROLS ON PHYSICAL PROTECTION OF NUCLEAR MATERIALS IN BOTH THE U.S. AND

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THE FRG WERE MUCH THE SAME. BOTH GOVERNMENTS HAD SUBSCRIBED TO THE LONDON NUCLEAR SUPPLIER GUIDELINES, INCLUDING GUIDELINES CONSISTENT WITH IAEA DOCUMENT INFCIRC/225 REV. 1.

3. WHERE HE DID FORESEE A POSSIBLE PROBLEM WAS IN THE U.S. REQUIREMENT UNDER THE NNPA FOR A WRITTEN EXCHANGE OF COMMITMENTS. THIS IN EFFECT TRANSFORMS THE LONDON SUPPLIERS GUIDELINES INTO A SERIES OF BI-LATERAL INTERNATIONAL AGREEMENTS, WHICH, IN THE CASE OF THE FRG, MIGHT BRING ABOUT CONSTITUTIONAL DIFFICULTIES. UNDER THE FEDERAL/STATE SEPARATION OF POWERS, THE STATES (LAENDER) IN GERMANY EXERCISE WIDE AUTONOMY IN THE AREAS OF PHYSICAL SECURITY AND ENVIRONMENTAL REGULATION. IN THESE SAME AREAS THE FEDERAL GOVERNMENT IN BONN EXERCISES AT BEST A FACILITATIVE OR ADVISORY ROLE. HOW THESE CONSTITUTIONAL PROBLEMS COULD BE WORKED OUT IN THE LIGHT OF THE TYPE OF ARRANGEMENT WHICH THE USG APPEARS TO BE PROPOSING IS NOT CLEAR.

4. AS REGARDS IAEA DOCUMENT INFCIRC/225/REV. 1, HE COMMENTED: GERMAN GUIDELINES ON PHYSICAL SECURITY GO WELL BEYOND THE MEASURES OUTLINED IN THE IAEA DOCUMENT, SO THAT SPECIFIC REFERENCE TO THAT DOCUMENT MIGHT NOT BE EXACTLY APPROPRIATE IN THE GERMAN CASE.

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5. AS TO THE QUESTION OF COMPETENCE OF THE EC COMMISSION AS OPPOSED TO INDIVIDUAL MEMBER COUNTRIES ON THE MATTER OF PHYSICAL PROTECTION OF NUCLEAR MATERIALS, DR. VON NEUBRUNNER SAID THERE WAS NO DOUBT THAT THE INDIVIDUAL MEMBER STATES HAD JURISDICTION IN THIS AREA AND THAT WHILE THE COMMISSION WAS IN THE PROCESS OF ATTEMPTING TO HARMONIZE PRACTICE, HE FORESAW MANY DIFFICULTIES IN THE COMMISSION'S ACHIEVING ITS OBJECTIVE IN THE NEAR FUTURE.

6. WE WILL REPORT FURTHER FRG REACTION AS SOON AS AVAILABLE.
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